

# **JOURNAL OF THE SENATE**

## **EIGHTY-NINTH SESSION**

---

THIRTY-THIRD DAY

---

STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Monday, March 10, 2014

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Megan Larsen.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named persons:

2 Pages – Noah Brown, Megan Larsen, Alli Steckelberg, Wynne Wilfahrt

3 Which was subscribed to and placed on file in the office of the Secretary of State.

4 **COMMUNICATIONS AND PETITIONS**

5 March 6, 2014

6 Mr. President and Members of the Senate:

7 I have the honor to inform you that on March 6, 2014, I approved Senate Bills 12, 14, 29,  
8 54, 55, 59, and 89, and the same have been deposited in the office of the Secretary of State.

9 Respectfully submitted,  
10 Dennis Daugaard  
11 Governor

12 March 10, 2014

13 Mr. President and Members of the Senate:

14 I have the honor to inform you that on March 10, 2014, I approved Senate Bills 5, 64, 70,  
15 71, 91, 93, 100, 115, 150, 151, and 152, and the same have been deposited in the office of the  
16 Secretary of State.

17 Respectfully submitted,  
18 Dennis Daugaard  
19 Governor

20 **REPORTS OF STANDING COMMITTEES**

21 **MR. PRESIDENT:**

22 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
23 and Enrolling has carefully compared SB 26, 68, 81, 125, and 145 and finds the same correctly  
24 enrolled.

1 Also MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that SJR 1 was delivered to  
3 his Excellency, the Secretary of State, for filing at 10:25 a.m., March 10, 2014.

4 Also MR. PRESIDENT:

5 The Committee on Legislative Procedure respectfully reports that SB 9, 27, 31, 32, 69, 75,  
6 77, 82, 84, 97, 102, 124, and 186 were delivered to his Excellency, the Governor, for his  
7 approval at 10:25 a.m., March 10, 2014.

8 Respectfully submitted,  
9 Corey Brown, Chair

10 Also MR. PRESIDENT:

11 The Committee on Appropriations respectfully reports that it has had under consideration  
12 HB 1040 and returns the same with the recommendation that said bill be amended as follows:

13 1040hh

14 On page 30, line 14, of the House Appropriations Committee engrossed bill, delete  
15 "\$10,514,595" and insert "\$10,789,595".

16 1040hf

17 On page 45, line 13, of the House Appropriations Committee engrossed bill, delete  
18 "\$3,098,978" and insert "\$3,498,978".

19 1040hk

20 On page 45, between lines 21 and 22 of the House Appropriations Committee engrossed  
21 bill, insert:

22 "Section 127. That section 22 of chapter 25 of the 2013 Session Laws be amended to read  
23 as follows:

24 LEGISLATURE

25 (1A) Nonrecurring Technology Infrastructure Upgrade Funding

26	Personal Services	\$0	\$0	\$0	\$0
27	Operating Expenses	\$500,000	\$0	\$0	\$500,000
28	TOTAL	\$500,000	\$0	\$0	\$500,000
29	F.T.E.				0.0

1 Adjust all totals accordingly."

2 1040hg

3 On page 27, between lines 9 and 10 of the House Appropriations Committee engrossed  
4 bill, insert:

5 "Section 79. That section 12 of chapter 25 of the 2013 Session Laws be amended to read as  
6 follows:

7 DEPARTMENT OF EDUCATION

8 (8) Postsecondary Vocational Education

9 Operating Expenses, General Funds, delete \$21,554,542" and insert "\$21,654,542".

10 1040mi

11 On page 31, line 4, of the House Appropriations Committee engrossed bill, delete  
12 "\$28,971,040" and insert "\$29,418,840".

13 On page 31, line 14, delete "\$16,594,350" and insert "\$16,669,582".

14 On page 31, line 23, delete "\$35,490,276" and insert "\$36,140,386".

15 On page 32, line 9, delete "\$7,497,828" and insert "\$7,542,715".

16 On page 32, line 17, delete "\$10,735,585" and insert "\$10,788,701".

17 On page 33, line 1, delete "\$14,093,026" and insert "\$14,227,586".

18 On page 33, line 12, delete "\$10,817,607" and insert "\$10,957,936".

19 On page 33, line 23, delete "\$7,338,641" and insert "\$7,553,436".

20 On page 34, line 10, delete "\$7,783,174" and insert "\$7,916,253".

21 1040hl

22 On page 16, line 18, of the House Appropriations Committee engrossed bill, delete  
23 "272,830,762" and insert "252,830,762".

24 On page 16, line 19, delete "452,457,392" and insert "430,686,298".

1 1040hd

2 On page 31, line 7, of the House Appropriations Committee engrossed bill, delete  
3 "\$3,258,350" and insert "\$3,608,350".

4 And that as so amended said bill do pass.

5 Also MR. PRESIDENT:

6 The Committee on Appropriations respectfully reports that it has had under consideration  
7 HB 1089 which was deferred to the 41<sup>st</sup> Legislative Day.

8 Respectfully submitted,  
9 Deb Peters, Chair

10 Also MR. PRESIDENT:

11 The Committee on State Affairs respectfully reports that it has had under consideration  
12 HB 1085 and 1145 and returns the same with the recommendation that said bills do pass.

13 Also MR. PRESIDENT:

14 The Committee on State Affairs respectfully reports that it has had under consideration  
15 HB 1194 and returns the same with the recommendation that said bill be amended as follows:

16 1194tb

17 On page 1, line 4, of the House Transportation Committee engrossed bill, delete "line" and  
18 insert "facility".

19 On page 1, line 6, delete everything after "including" .

20 On page 1, line 7, delete everything before "." and insert "a drawing showing the location  
21 of the proposed crossing and the railroad's property, tracks, and wires that the utility will cross".

22 On page 1, line 9, after "." insert "The application shall be accompanied by the crossing  
23 fee as set forth in section 3 of this Act, and a certificate of insurance as required by section 4  
24 of this Act.".

25 On page 1, line 10, delete "utility has submitted" and insert "receipt by the railroad of".

26 On page 1, delete lines 11 to 14, inclusive, and insert "application, the fee, and certificate  
27 of insurance, the utility may commence the construction of the crossing, unless".

On page 2, line 1, delete everything before "that" and insert "the railroad notifies the utility in writing".

On page 2, line 2, delete "an objection".

On page 2, line 7, delete "roads of the state" and insert "right-of-way".

On page 2, after line 11, insert: "The utility shall also reimburse the railroad for any reasonable flagging expense associated with a crossing in addition to the standard crossing fee. No crossing fee is required if the crossing is located within a public right-of-way."

Section 4. The certificate of insurance or coverage submitted by a municipality shall include commercial general liability insurance or equivalent form with a limit of not less than one million dollars for each occurrence and an aggregate of not less than two million dollars. The certificate of insurance submitted by any other utility other than a gas or hazardous materials pipeline utility shall include commercial general liability insurance with a combined single limit of a minimum of two million dollars for each occurrence and an aggregate limit of at least four million dollars. The certificate of insurance submitted by a gas or hazardous materials pipeline utility shall include commercial general liability insurance with a combined single limit of a minimum of five million dollars for each occurrence and an aggregate limit of at least ten million dollars."

On page 2, line 22, delete "the" and insert "its".

On page 2, between lines 23 and 24, insert:

"Section 6. If a railroad imposes additional requirements upon a utility for crossing its lines, the utility may object to one or more of the requirements. In such event, the utility shall provide notice of the objection and the specific basis of the objection to the railroad by certified mail, return receipt requested. If the parties are unable to resolve the objection, either party may petition the Public Utilities Commission for resolution or modification of the additional requirements within sixty days from receipt of the objection. Before filing a petition, the parties shall confer in good faith in an attempt to resolve the objection. If a petition is filed, the Public Utilities Commission, within one hundred twenty days of filing the petition, shall determine, after notice and opportunity for hearing, whether special circumstances exist that necessitate additional requirements for the placement of the crossing. The order may be appealed pursuant to chapter 1-26. The Public Utilities Commission shall assess its costs associated with a petition equitably against the parties."

On page 3, line 12, delete "a railroad" and insert "any association or corporation, or other entity, engaged in operating a common carrier by rail".

On page 3, line 17, delete everything after "Utility," and insert "electric utility, public utility, gas utility, municipal utility, municipal power agency, joint action agency, consumers power district, pipeline company, telecommunications company, and rural water system;

(4) "Crossing," the construction, operation, repair, or maintenance of a facility, over, under, or across a railroad right-of-way by a utility. The term does not include longitudinal occupancy of railroad right-of-way;

4 (5) "Facility," any item of personal property placed over, across, or underground for use  
5 in connection with the storage or conveyance of water; sewage; electronic, telephone,  
6 or telegraphic communications; fiber optics; cablevision; electric energy; oil; gas;  
7 hazardous liquids; or other substances including pipes, sewers, conduits, cables,  
8 valves, lines, wires, manholes, or attachments."

9 On page 3, delete lines 18 and 19.

10 And that as so amended said bill do pass.

11 Also MR. PRESIDENT:

12       The Committee on State Affairs respectfully reports that it has had under consideration  
13   HB 1203 and returns the same with the recommendation that said bill be amended as follows:

14 1203ma

15 On the printed bill, delete everything after the enacting clause and insert:

16 "Section 1. That chapter 4-8 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 The Bureau of Finance and Management and the Legislative Research Council shall prepare  
19 and submit, no later than the thirty-eighth legislative day of each legislative session,  
20 independent projections that conform with the provisions of subdivisions 4-7-10(2) and (5) to  
21 the Governor or the Governor's designee and the Joint Committee on Appropriations.

22 If either of the estimates provided in this section project a budget shortfall in excess of two  
23 and one-half percent of the general fund appropriated budget in the current or next fiscal year,  
24 the Bureau of Finance and Management and the Legislative Research Council shall propose  
25 measures to the Governor and the Appropriations Committee of the Legislature for eliminating  
26 the shortfall.

27       Section 2. That chapter 4-8A be amended by adding thereto a NEW SECTION to read as  
28 follows:

29 The Bureau of Finance and Management and the Legislative Research Council shall prepare  
30 and submit, no later than July thirtieth of each year, independent projections that conform with  
31 the provisions of subdivisions 4-7-10(2) and (5) to the Governor or the Governor's designee and  
32 the committee created by this chapter. Notwithstanding the provisions of subdivisions 4-7-10(2)  
33 and (5), the projections shall contain information of actual revenue for each of the two fiscal  
34 years last concluded and the estimated revenue of the current fiscal year.

1 If either of the estimates provided in this section project a budget shortfall in excess of two  
2 and one-half percent of the general fund appropriated budget in the current fiscal year, the  
3 Bureau of Finance and Management and the Legislative Research Council shall propose  
4 measures to the Governor and the special committee created in chapter 4-8A for eliminating the  
5 shortfall. If either of the estimates provided in this section project a budget shortfall in the  
6 current or next fiscal year of five percent or greater of the general fund appropriated budget, the  
7 Governor shall propose measures to eliminate the shortfall consistent with S.D. Const., Art. 12,  
8 § 7."

9 And that as so amended said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on State Affairs respectfully reports that it has had under consideration the  
12 nomination of James J. Breckenridge of Minnehaha County, Sioux Falls, South Dakota, to the  
13 South Dakota Building Authority and returns the same with the recommendation that the Senate  
14 advise and consent to the confirmation of said appointment and place on the consent calendar.

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration  
17 HB 1236 which was tabled.

18 Respectfully submitted,  
19 Larry Rhoden, Chair

## 20 REPORTS OF CONFERENCE COMMITTEES

21 MR. PRESIDENT:

22 The Conference Committee respectfully reports that it has considered HB 1069 and the  
23 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and  
24 recommends that HB 1069 be amended as follows:

25 1069fb

26 On page 1, line 8, of the Senate engrossed bill, delete "three" and insert "four".

27 Respectfully submitted,  
28 Timothy Johns  
29 House Committee Chair

Respectfully submitted,  
Mike Vehle  
Senate Committee Chair



**MESSAGES FROM THE HOUSE**

MR. PRESIDENT:

I have the honor to return herewith SB 145, 26, 68, 81, and 125 which have passed the House without change.

Also MR. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in Senate amendments to HB 1120 and 1192.

Respectfully,  
Arlene Kvislen, Chief Clerk

**MOTIONS AND RESOLUTIONS**

Sen. Rave moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on Tuesday, March 11, the 34<sup>th</sup> legislative day.

Which motion prevailed.

Sen. Buhl O'Donnell moved that the Committee on Commerce and Energy be instructed to deliver HB 1257 to the floor of the Senate, pursuant to Joint Rule 7-7.

Which motion lost.

Sen. Tieszen moved that the Senate do concur in House amendments to SB 7.

The question being on Sen. Tieszen's motion that the Senate do concur in House amendments to SB 7.

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1       So the motion having received an affirmative vote of a majority of the members-elect, the  
2       President declared the motion carried and the amendments were concurred in.

3       Sen. Novstrup (Al) moved that the Senate do concur in House amendments to SB 183.

4       The question being on Sen. Novstrup (Al)'s motion that the Senate do concur in House  
5       amendments to SB 183.

6       And the roll being called:

7       Yeas 35, Nays 0, Excused 0, Absent 0

8       Yeas:

9       Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
10       Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
11       Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
12       Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

13       So the motion having received an affirmative vote of a two-thirds majority of the members-  
14       elect, the President declared the motion carried and the amendments were concurred in.

15       Sen. Rave moved that SB 2 be deferred to Tuesday, March 11, the 34<sup>th</sup> legislative day.

16       Which motion prevailed.

17       Sen. Soholt moved that the Senate do concur in House amendments to SB 3.

18       The question being on Sen. Soholt's motion that the Senate do concur in House  
19       amendments to SB 3.

20       And the roll being called:

21       Yeas 35, Nays 0, Excused 0, Absent 0

22       Yeas:

23       Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
24       Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
25       Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
26       Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

27       So the motion having received an affirmative vote of a majority of the members-elect, the  
28       President declared the motion carried and the amendments were concurred in.

1 Sen. Lucas moved that the Senate do concur in House amendments to SB 163.

2 The question being on Sen. Lucas' motion that the Senate do concur in House amendments  
3 to SB 163.

4 And the roll being called:

5 Yeas 25, Nays 10, Excused 0, Absent 0

6 Yeas:

7 Begalka; Bradford; Buhl O'Donnell; Frerichs; Heineman (Phyllis); Holien; Jones (Chuck);  
8 Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Monroe; Omdahl; Otten (Ernie); Rampelberg;  
9 Rave; Rhoden; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Welke; White

10 Nays:

11 Brown; Curd; Ewing; Hunhoff (Jean); Jensen; Maher; Novstrup (Al); Peters; Soholt; Vehle

12 So the motion having received an affirmative vote of a majority of the members-elect, the  
13 President declared the motion carried and the amendments were concurred in.

14 SCR 6: A CONCURRENT RESOLUTION, Expressing the Legislature's support for  
15 citizens and communities in eastern South Dakota impacted by severe high water conditions  
16 over the last two decades.

17 Was read the second time

18 Sen. Frerichs moved that SCR 6 as found on page 448 of the Senate Journal be adopted  
19 as amended on page 547 of the Senate journal.

20 The question being on Sen. Frerichs' motion that SCR 6 be adopted as amended.

21 And the roll being called:

22 Yeas 34, Nays 0, Excused 1, Absent 0

23 Yeas:

24 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
25 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
26 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden;  
27 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

28 Excused:

29 Peters

30 So the motion having received an affirmative vote of a majority of the members-elect, the  
31 President declared the motion carried and SCR 6 was adopted as amended.

1 HCR 1028: A CONCURRENT RESOLUTION, Urging Congress to repeal and defund the  
2 Patient Protection and Affordable Care Act.

3 Was read the second time.

4 Sen. Begalka moved that the Senate do concur in HCR 1028 as found on page 525 of the  
5 House Journal and as amended on page 545 of the Senate Journal.

6 The question being on Sen. Begalka's motion that HCR 1028 be concurred in as amended.

7 And the roll being called:

8 Yeas 28, Nays 7, Excused 0, Absent 0

9 Yeas:

10 Begalka; Brown; Curd; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones  
11 (Chuck); Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie);  
12 Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle;  
13 White

14 Nays:

15 Bradford; Buhl O'Donnell; Frerichs; Jones (Tom); Lucas; Sutton; Welke

16 So the motion having received an affirmative vote of a majority of the members-elect, the  
17 President declared the motion carried and HCR 1028 was concurred in as amended.

18 HCR 1029: A CONCURRENT RESOLUTION, Honoring World Champion Saddle Bronc  
19 Champion Chad Ferley of Oelrichs, South Dakota.

20 Was read the second time.

21 Sen. Sutton moved that the Senate do concur in HCR 1029 as found on page 528 of the  
22 House Journal.

23 The question being on Sen. Sutton's motion that HCR 1029 be concurred in.

24 And the roll being called:

25 Yeas 34, Nays 1, Excused 0, Absent 0

26 Yeas:

27 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
28 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
29 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
30 Rhoden; Soholt; Solano; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

1 Nays:  
2 Tieszen

3 So the motion having received an affirmative vote of a majority of the members-elect, the  
4 President declared the motion carried and HCR 1029 was concurred in.

5 HCR 1030: A CONCURRENT RESOLUTION, Honoring National Finals Rodeo Barrel  
6 Racing Champion Lisa Lockhart of Oelrichs, South Dakota.

7 Was read the second time.

8 Sen. Sutton moved that the Senate do concur in HCR 1030 as found on page 529 of the  
9 House Journal.

10 The question being on Sen. Sutton's motion that HCR 1030 be concurred in.

11 And the roll being called:

12 Yeas 34, Nays 1, Excused 0, Absent 0

13 Yeas:  
14 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
15 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
16 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
17 Rhoden; Soholt; Solano; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

18 Nays:  
19 Tieszen

20 So the motion having received an affirmative vote of a majority of the members-elect, the  
21 President declared the motion carried and HCR 1030 was concurred in.

22 HCR 1031: A CONCURRENT RESOLUTION, Urging Congress to provide federal  
23 funding in lieu of property taxes on Indian trust lands.

24 Was read the second time.

25 Sen. Jones (Chuck) moved that the Senate do concur in HCR 1031 as found on page 529 of  
26 the House Journal.

27 c1031ta

28 Sen. Jones (Chuck) moved that HCR 1031 be amended as follows:

1 On page 3, line 22, of the printed resolution, before "." insert:

2 "; and

3 BE IT FURTHER RESOLVED, that the South Dakota Legislature recognizes the fact that  
4 numerous other South Dakota counties are also impacted by trust land issues and face  
5 challenges similar to those facing Jackson County".

6 Which motion prevailed.

7 The question being on Sen. Jones' (Chuck) motion that HCR 1031 be concurred in as  
8 amended.

9 And the roll being called:

10 Yeas 34, Nays 1, Excused 0, Absent 0

11 Yeas:

12 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
13 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Kirkeby; Krebs; Lederman; Lucas; Maher;  
14 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;  
15 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 Nays:

17 Jones (Tom)

18 So the motion having received an affirmative vote of a majority of the members-elect, the  
19 President declared the motion carried and HCR 1031 was concurred in as amended.

## 20 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

21

22 The Senate proceeded to the consideration of the executive reappointment of Scott A.  
23 Vance of Meade County, Faith, South Dakota, to the State Brand Board.

24 The question being "Does the Senate advise and consent to the executive reappointment  
25 of Scott A. Vance pursuant to the executive message as found on page 282 of the Senate  
26 Journal?"

27 And the roll being called:

28 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the question having received an affirmative vote of a majority of the members-elect,  
7 the President declared the reappointment confirmed.

8 **CONSIDERATION OF REPORTS OF COMMITTEES**

9 Sen. Rave moved that the reports of the Standing Committees on

10 Education on HB 1249 as found on page 569 of the Senate Journal; also

11 Judiciary on HB 1122 as found on page 570 of the Senate Journal be adopted.

12 Which motion prevailed.

13 **SECOND READING OF CONSENT CALENDAR ITEMS**

14 Sen. Bradford requested that the reappointment of Stanley Porch to the South Dakota  
15 Ellsworth Developmental Authority be removed from the consent calendar.

16 HCR 1032: A CONCURRENT RESOLUTION, Expressing support for the people of the  
17 Red Shirt community on the Pine Ridge Reservation.

18 Was read the second time.

19 The question being "Shall HCR 1032 pass?"

20 And the roll being called:

21 Yeas 35, Nays 0, Excused 0, Absent 0

22 Yeas:

23 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
24 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
25 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
26 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

27 So the concurrent resolution having received an affirmative vote of a majority of the  
28 members-elect, the President declared HCR 1032 concurred in.

1 HB 1063: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to jury  
2 selection.

3 Was read the second time.

4 The question being "Shall HB 1063 pass?"

5 And the roll being called:

6 Yeas 35, Nays 0, Excused 0, Absent 0

7 Yeas:

8 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
9 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
10 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
11 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 President declared the bill passed and the title was agreed to.

#### 14 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

15 Sen. Rave moved that HB 1041, 1142, 1175, 1038, and 1206 be placed to follow 1129 on  
16 today's calendar.

17 Which motion prevailed.

18 HB 1039: FOR AN ACT ENTITLED, An Act to revise certain reversion provisions  
19 relating to the General Appropriations Act for fiscal year 2013.

20 Was read the second time.

21 The question being "Shall HB 1039 pass as amended?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

24 Yeas:

25 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
26 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
27 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
28 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White



So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

HB 1162: FOR AN ACT ENTITLED, An Act to prohibit the practice of sex-selective abortions, to establish certain procedures to better ensure that sex-selective abortions are not practiced in South Dakota, and to provide penalties therefor.

Was read the second time.

The question being "Shall HB 1162 pass as amended?"

And the roll being called:

Yeas 30, Nays 5, Excused 0, Absent 0

Yeas:

Begalka; Brown; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Solano; Sutton; Van Gerpen; Vehle; Welke; White

Nays:

Bradford; Buhl O'Donnell; Soholt; Tidemann; Tieszen

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

HB 1177: FOR AN ACT ENTITLED, An Act to restrict the regulation by local governments of distracted or inattentive driving, to prohibit the use of certain handheld electronic wireless communication devices, and to provide a penalty therefor.

Was read the second time.

1177fc

Sen. Vehle moved that HB 1177 be amended as follows:

On page 2, line 1, of the Senate State Affairs Committee engrossed bill, delete "secondary" and insert "primary".

On page 2, line 2, delete "petty offense" and insert "Class 2 misdemeanor".

On page 2, line 24, delete "distracted driving and".

On page 3, line 1, after "." insert "However, any public or private employer may establish, maintain, or enforce a policy or rule that prohibits any employee from using an electronic wireless communication device while operating a motor vehicle."

On page 3, delete lines 4 and 5, and insert:

"No handheld electronic wireless communication device used in violation of this Act may be seized by a law enforcement officer to establish a violation of this Act. However, a handheld electronic wireless communication device may be seized upon compliance with the search and seizure requirements in chapter 23A-35."

Sen. Lucas requested a roll call vote.

Which request was supported.

The question being on Sen. Vehle's motion that HB 1177 be amended.

And the roll being called:

Yeas 22, Nays 13, Excused 0, Absent 0

Yeas:

Begalka; Buhl O'Donnell; Ewing; Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Krebs; Lucas; Novstrup (Al); Omdahl; Rampelberg; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Nays:

Bradford; Brown; Curd; Frerichs; Heineman (Phyllis); Kirkeby; Lederman; Maher; Monroe; Otten (Ernie); Peters; Rave; Rhoden

So the motion having received an affirmative vote of a majority of the members present, the President declared the motion carried.

The question being "Shall HB 1177 pass as amended?"

And the roll being called:

Yeas 22, Nays 13, Excused 0, Absent 0

Yeas:

Begalka; Buhl O'Donnell; Curd; Ewing; Frerichs; Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Krebs; Lucas; Novstrup (Al); Rampelberg; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; Welke; White

1 Nays:

2 Bradford; Brown; Heineman (Phyllis); Kirkeby; Lederman; Maher; Monroe; Omdahl; Otten  
3 (Ernie); Peters; Rave; Rhoden; Van Gerpen

4 So the bill having received an affirmative vote of a majority of the members-elect, the  
5 President declared the bill passed.

6 The question being on the title.

7 1177fta

8 Sen. Vehle moved that the title to HB 1177 be amended as follows:

9 On page 1, line 1, of the Senate State Affairs Committee engrossed bill, delete everything  
10 after "governments" .

11 On page 1, line 2, delete everything before "," and insert "related to use of electronic  
12 wireless communication devices in motor vehicles".

13 Which motion prevailed and the title was so amended.

14 HB 1071: FOR AN ACT ENTITLED, An Act to change the procedure for a minor  
15 boundary change.

16 Was read the second time.

17 The question being "Shall HB 1071 pass?"

18 And the roll being called:

19 Yeas 33, Nays 2, Excused 0, Absent 0

20 Yeas:

21 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
22 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
23 Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
24 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

25 Nays:

26 Omdahl; Soholt

27 So the bill having received an affirmative vote of a majority of the members-elect, the  
28 President declared the bill passed and the title was agreed to.

1 HB 1127: FOR AN ACT ENTITLED, An Act to provide an exemption for alimony  
2 payments in debtor filings.

3 Was read the second time.

4 1127jh

5 Sen. Lederman moved that HB 1127 be amended as follows:

6 On page 2, line 6, of the House engrossed bill, delete "one thousand" and insert "seven  
7 hundred fifty".

8 Which motion prevailed.

9 The question being "Shall HB 1127 pass as amended?"

10 And the roll being called:

11 Yeas 32, Nays 3, Excused 0, Absent 0

12 Yeas:

13 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
14 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
15 Lucas; Maher; Monroe; Novstrup (Al); Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton;  
16 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

17 Nays:

18 Omdahl; Otten (Ernie); Peters

19 So the bill having received an affirmative vote of a majority of the members-elect, the  
20 President declared the bill passed and the title was agreed to.

21 HB 1161: FOR AN ACT ENTITLED, An Act to establish a cause of action for wrongful  
22 human trafficking.

23 Was read the second time.

24 The question being "Shall HB 1161 pass as amended?"

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
5 Rhoden; Sohlt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the  
7 President declared the bill passed and the title was agreed to.

8 HB 1169: FOR AN ACT ENTITLED, An Act to protect certain homestead exemption  
9 interests during sale of homestead or separation of owners.

10 Was read the second time.

11 The question being "Shall HB 1169 pass as amended?"

12 And the roll being called:

13 Yeas 17, Nays 18, Excused 0, Absent 0

14 Yeas:

15 Bradford; Buhl O'Donnell; Ewing; Frerichs; Jones (Tom); Kirkeby; Krebs; Lucas; Maher;  
16 Monroe; Rampelberg; Rhoden; Solano; Sutton; Tieszen; Welke; White

17 Nays:

18 Begalka; Brown; Curd; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones (Chuck);  
19 Lederman; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rave; Sohlt; Tidemann; Van  
20 Gerpen; Vehle

21 So the bill not having received an affirmative vote of a majority of the members-elect, the  
22 President declared the bill lost.

23 Sen. Kirkeby announced his intention to reconsider the vote by which HB 1169 lost.

24 HB 1166: FOR AN ACT ENTITLED, An Act to revise the telecommunications services  
25 program to include current and developing technology.

26 Was read the second time.

27 The question being "Shall HB 1166 pass as amended?"

28 And the roll being called:

1 Yeas 34, Nays 0, Excused 1, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
4 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
5 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
6 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; Welke; White

7 Excused:

8 Van Gerpen

9 So the bill having received an affirmative vote of a majority of the members-elect, the  
10 President declared the bill passed and the title was agreed to.

11 HB 1143: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding  
12 unemployment insurance benefit eligibility of workers attending approved training.

13 Was read the second time.

14 The question being "Shall HB 1143 pass as amended?"

15 And the roll being called:

16 Yeas 23, Nays 9, Excused 3, Absent 0

17 Yeas:

18 Begalka; Brown; Curd; Ewing; Heineman (Phyllis); Hunhoff (Jean); Jensen; Jones (Chuck);  
19 Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie);  
20 Rampelberg; Rave; Rhoden; Soholt; Solano; Vehle; White

21 Nays:

22 Bradford; Buhl O'Donnell; Frerichs; Holien; Jones (Tom); Lucas; Sutton; Tieszen; Welke

23 Excused:

24 Peters; Tidemann; Van Gerpen

25 So the bill having received an affirmative vote of a majority of the members-elect, the  
26 President declared the bill passed and the title was agreed to.

27 HB 1025: FOR AN ACT ENTITLED, An Act to revise certain statutes and administrative  
28 rules regarding licensure of nursing facility administrators and to increase certain fees.

29 Was read the second time.

30 The question being "Shall HB 1025 pass as amended?"

1 And the roll being called:

2 Yeas 23, Nays 9, Excused 3, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Buhl O'Donnell; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
5 (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Novstrup (Al);  
6 Rampelberg; Rave; Sutton; Tieszen; Vehle; Welke; White

7 Nays:

8 Curd; Ewing; Maher; Monroe; Omdahl; Otten (Ernie); Rhoden; Soholt; Solano

9 Excused:

10 Peters; Tidemann; Van Gerpen

11 So the bill not having received an affirmative vote of a two-thirds majority of the  
12 members-elect, the President declared the bill lost.

13 Sen. Hunhoff (Jean) announced her intention to reconsider the vote by which HB 1025  
14 lost.

15 HB 1046: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
16 licenses issued by the State Plumbing Commission and the fees that may be set by the  
17 commission.

18 Was read the second time.

19 The question being "Shall HB 1046 pass?"

20 And the roll being called:

21 Yeas 28, Nays 4, Excused 3, Absent 0

22 Yeas:

23 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
24 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
25 Lucas; Monroe; Novstrup (Al); Omdahl; Rampelberg; Rave; Soholt; Sutton; Tieszen; Vehle;  
26 Welke; White

27 Nays:

28 Maher; Otten (Ernie); Rhoden; Solano

29 Excused:

30 Peters; Tidemann; Van Gerpen

1 So the bill having received an affirmative vote of a two-thirds majority of the members-  
2 elect, the President declared the bill passed and the title was agreed to.

3 HB 1129: FOR AN ACT ENTITLED, An Act to prohibit the use of certain explosive  
4 targets in the Black Hills Forest Fire Protection District.

5 Was read the second time.

6 1129rb

7 Sen. Rhoden moved that HB 1129 be amended as follows:

8 On page 1, line 7, of the House Judiciary Committee engrossed bill, delete everything after  
9 "impact" and insert ".".

10 On page 1, line 8, delete everything before "Any" .

11 Which motion prevailed.

12 The question being "Shall HB 1129 pass as amended?"

13 And the roll being called:

14 Yeas 32, Nays 1, Excused 2, Absent 0

15 Yeas:

16 Begalka; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
17 (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;  
18 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Solano;  
19 Sutton; Tieszen; Van Gerpen; Vehle; Welke; White

20 Nays:

21 Bradford

22 Excused:

23 Peters; Tidemann

24 So the bill having received an affirmative vote of a majority of the members-elect, the  
25 President declared the bill passed and the title was agreed to.

26 Sen. Rave moved that HB 1041, 1142, 1175, 1038, 1206, 1164, 1213, 1045, 1019, 1099,  
27 1148, 1111, and 1112 be deferred to Tuesday, March 11, the 34<sup>th</sup> legislative day.

28 Which motion prevailed.



## 2 MESSAGES FROM THE HOUSE

11 Jeannette Schipper, Secretary

